IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PETER JOSEPH DOUGHERTY, JR.   **PETITIONER**

v.   **CAUSE NO. 1:18CV137-LG-FKB**

JACQUELYN BANKS   **RESPONDENT**

ORDER ADOPTING REPORT AND RECOMMENDATIONS
AND GRANTING MOTION TO DISMISS HABEAS PETITION

BEFORE THE COURT is the [8] Report and Recommendation entered by

Magistrate Judge F. Keith Ball on December 10, 2018. Judge Ball recommends that

the [6] Motion to Dismiss filed by the respondent should be granted and that the

habeas corpus petition filed by Peter Joseph Dougherty, Jr., should be dismissed

with prejudice as untimely. The record reflects that the Court mailed a copy of the

Report and Recommendation to Dougherty, but Dougherty has not filed an objection

to the Report and Recommendation. Dougherty also did not respond to the [6]

Motion to Dismiss.

Where no party has objected to the Magistrate Judge's report and

recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. §

636(b)(1) ("A judge of the court shall make a de novo determination of those portions

of the report or specified proposed findings and recommendations to which objection

is made.") In such cases, the Court need only satisfy itself that there is no clear

error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415,

1420 (5th Cir. 1996). Having conducted the required review, the Court finds that

Judge Ball's Report and Recommendation is neither clearly erroneous nor contrary

to law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the [8] Report and Recommendation entered by Magistrate Judge F. Keith Ball on December 10, 2018, is **ADOPTED** as the opinion of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the [6] Motion to Dismiss filed by the respondent is **GRANTED**. The habeas corpus petition filed by Peter Joseph Dougherty, Jr., is **DISMISSED WITH PREJUDICE** as untimely.

SO ORDERED AND ADJUDGED this the 14th day of January, 2019.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE